UNITED STATES PATENT AND TRADEMARK OFFICE

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09/829,614	04/10/2001	Luis Eduardo Gutierrez-Sheris	25153-004	7999

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _24 March 2009_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-7,9-19 and 21-33_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-7,9-19 and 21-33_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _01/08/2009_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   Receipt of Applicant's amendment and response filed on March 24, 2009 is

acknowledged.

Response to Amendment

2.   Claims 1, 9, 12, 14, 21, 24-25 are emended. Claims 31-33 are new. Claims 8

and 20 are canceled. Claims 1-7, 9-19, and 21-33 are pending in the application and

are provided to be examined upon their merits.

Response to Arguments

3.   Applicant's arguments filed March 24, 2009 have been fully considered but they

are not persuasive. The Examiner provides a new rejection for the new claims 31-33.

The Examiner provides a response below in **bold**.

Applicant argues prior art, starting pg. 9 of remarks:
>   Claims 1-10, 12-17, 20 and 24-28 were rejected under 35 U.S.C. 103(a) as being
>   unpatentable over Gallagher, et al. (US Pat. No. 7,120,608) ("Gallagher") in view
>   of Ito, et al. (US Pat. No. 6,039,250) ("Ito").

Applicanr argues CFR 1.131:
>   Applicant, in response to the prior office action in this matter, asserted that
>   neither the Gallagher nor Ranjan references (Ranjan reference cited in rejection
>   discussed below) is valid prior art with respect to the present application since
>   the present application is entitled to an invention date that predates the priority
>   dates of these two cited references. The applicant has submitted a declaration
>   under C.F.R. 1.131, along with documentary evidence, to support the asserted
>   date of invention. The Examiner has deemed such declaration unpersuasive for

the reasons set forth in the office action under reply. In response, and as is clear
from the documents submitted and acknowledged by the Examiner, the applicant
has sufficiently established a date of conception that predates the relevant
priority dates of Gallagher and Ranjan (i.e., prior to August 15, 2000). The
applicant further has asserted and set forth supporting documentation that seeks
to illustrate that the assignee of the present application (i.e., its employees and
agents) collectively exercised reasonable diligence from at least just prior to
August 15, 2000 until the filing of this Application in the U.S. Patent and
Trademark Office on April 10, 2001. The Examiner, however, has deemed that
the submitted declaration and documentation insufficiently establishes the
required diligence under the law. In response, it is submitted that the assignee
has thoroughly examined its files and is, at the current time, unable to present
sufficiently more documentation to satisfy the Examiner and, moreover, the
inventor of the present application, Mr. Luis Eduardo Gutierrez-Sheris, is no
longer employed at the assignee and is unavailable for further information.
Accordingly, rather than to continue to solely assert that Gallagher and Ranjan
are invalid prior art, the applicant instead has made the above amendments and
presents the following discussion in order to expedite the successful prosecution
of the present application. Nevertheless, the assignee maintains the position that
the proper invention date of the present application predates the relevant dates
of both Gallagher and Ranjan, and reserves the right to continue to make such
an assertion with potentially more evidence/documentation in the future.

From above...
**>>In response, and as is clear from the documents submitted and acknowledged
by the Examiner, the applicant has sufficiently established a date of conception
that predates the relevant priority dates of Gallagher and Ranjan (i.e., prior to
August 15, 2000).<<**

**The problem is that new matter was brought into the claims from the CIP. (e.g.
data-input document, IP address, see MPEP 2133.01) Therefore the priority date
became the date of the instant application, 04/10/2001. Gallagher and Ranjan
have dates of 08/15/2000 and 09/01/2000 respectively.**

**The Examiner thanks the Applicant for amending the claims in order to try to
overcome the prior art.**

Turning now to the claims, independent claims 1 and 14 have been amended to
recite "said customer informing said beneficiary of said unique fund-pick-up
code." This feature was previously recited in claims 8 and 20, which are
cancelled herein. Also, independent claim 25 has been amended to recite "a
beneficiary means, for said customer to inform said beneficiary of said fund-pick-
up code."

Applicant has amended the claims to include a customer informing a beneficiary of a unique fund pick-up code.

> As described in detail below, the present invention as recited in claims 1, 14 and 25, is not obvious in view of the combination of Gallagher and Ito. More particularly, neither of these references, alone or in combination, discloses or suggests a unique fund-pick-up code initially generated and given to the customer by a money transfer company and subsequently provided to the beneficiary by the customer. In accordance with the invention, a non-obvious additional layer of security and control are provided to a customer transferring funds to a beneficiary at a remote location that is not present in either of the cited references, as discussed further below.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., unique fund-pick-up code initially generated and given to the customer) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With all due respect, Gallagher alone teaches all of the claim elements except a unique pick-up code. However, Gallagher even teaches a confirmation query which arguably itself would be a unique pick-up code. However, Ito was provided to teach a pick-up code (security key). See bottom pg. 9 of Office Action 10/01/2008

As provided in the prior Office Action, Ito teaches a security key. Ito defines a security key as:

> "Next, the <u>remitter sends a remittance</u> standby request to the electronic money server 3 chosen from the information processing unit 1 (step 203). FIG. 5 illustrates an information sent by this remittance standby request. The <u>information includes</u> an amount 501 to be sent, a remitter's address 502 being an electronic mail address of the remitter, receiptor's address 503 being an electronic mail address of the receiptor, identifier 504 being the number to identify a bill number and <u>a transaction from the remitter to the receiptor</u>, and <u>a security key 505 being a password used between the remitter and the receiptor</u>, or being a cipher key in case a transaction is performed under encipherment. For the security key, for example, a random number sequence may be sent which is served as a seed for encipherment." (col. 4, lines 43-56) Therefore the information from the remitter to the receiptor includes a security key (password), where the

**receiptor has knowledge of the password. It is inherent that at some point
the receiptor is informed by the remitter of the password, otherwise the
receiptor would not know the password (security key) used in Fig. 5, ref.
505.**

**Therefore the combination of Gallagher and Ito teach security key and they teach
receiptor knowing the key.**

Applicant continues, pg. 11 of remarks:
Fig. 1 of Gallagher discloses an Internet based system 10 for effecting online
financial transactions including a send money transaction. (Col. 7, lines 20-30)
As shown in Fig. 3, while entering information relevant to a send money
transaction into an online form 200, the payor may select to use an optional
identity confirmation feature. (Col. 7, lines 48-51) If this option is selected, the
payor must also provide an identification query to be answered by the payee.
Once the payor's transactional information has been processed by the system
10, the payee is sent an electronic message providing him a link to an electronic
document relating to the transaction. (Col. 7, lines 53-58) The electronic
document includes the identification query and a field for entering a response.
(Col. 8, lines 5-8) Once the payee responds to the query, the payor is notified of
the payee's response by an electronic message containing the response. (Col. 5,
lines 25-31) If the payor is satisfied with the payee's response, the payor
responds to the system with his decision to accept the payee's response and his
confirmation that the system should proceed with the transfer of funds to the
payee's account. (Col. 8, lines 35-38) The payor can cancel the transaction at
any time prior to the actual transfer of funds into the payee's account. (Col. 8,
lines 39-41)

The identity confirmation query disclosed in Gallagher is quite distinct from the
present invention's recitation of having the customer (or payor) directly providing
the beneficiary (payee) with a unique fund-pick-code. Rather, as discussed
above, Gallagher provides a query to the payee through an electronic message
containing a link to an electronic document containing the query. First, the payor
is not provided with the identity confirmation query nor does the payor provide
such information to the payee. Second, the operations are quite dissimilar since
a third party having access to the payee's electronic mail or instant messaging
account would have access to the identity confirmation query. In such case, and
if the third party had enough information about the payee, he could respond
correctly to the query and subsequently gain access to the transferred funds
without the payor ever becoming aware of his presence. Thirdly, if the payor
selects not to use the optional identity confirmation feature, there is no other
mechanism in Gallagher that provides the payor with control over the transferred
funds other than cancelling the transaction prior to the actual transfer of the

funds. In this situation, if the payor becomes aware of the presence of an unauthorized third party, it would become a race to cancel the transaction prior to the third party gaining access to the transferred funds. In other words, the present invention carries out various processes that address significant problems that may be encountered in Gallagher. In any event, Gallagher neither discloses nor suggests a unique fund-pick-up code initially generated and given to the customer by a money transfer company and subsequently provided to the beneficiary by the customer.

From above...
>>First, the payor is not provided with the identity confirmation query nor does the payor provide such information to the payee.<<

Claim 1, for example states "providing said customer with a unique fund-pick-up code;"

There is no limitation as to where the providing comes from. Therefore the customer can provide themselves a unique code. Also, as pointed out above, Ito teaches a security key that is a password between a remitter is the receptor.

Claim 1, for example states "...and said customer informing said beneficiary of said unique fund-pick-up code."

From above...
>>Second, the operations are quite dissimilar since a third party having access to the payee's electronic mail or instant messaging account would have access to the identity confirmation query. In such case, and if the third party had enough information about the payee, he could respond correctly to the query and subsequently gain access to the transferred funds <u>without the payor ever becoming aware of his presence.</u><<

But again Ito was used to teach security key. A third party would not have access to the password.

From above...
>>Thirdly, if the payor selects not to use the optional identity confirmation feature, there is no other mechanism in Gallagher that provides the payor with control over the transferred funds other than cancelling the transaction prior to the actual transfer of the funds. In this situation, if the payor becomes aware of the presence of an unauthorized third party, it would become a race to cancel the transaction prior to the third party gaining access to the transferred funds. In other words, the present

**invention carries out various processes that address significant problems
that may be encountered in Gallagher.<<**

Again Ito teaches security key.

From above...
>>**In any event, Gallagher neither discloses nor suggests a unique fund-
pick-up code initially generated and given to the customer by a money
transfer company and subsequently provided to the beneficiary by the
customer.<<**

**Ito was used to teach fund-pick-up code. Also, in response to applicant's
arguments against the references individually, one cannot show nonobviousness
by attacking references individually where the rejections are based on
combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA
1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).**

Applicant argues Ito, pg. 12 of remarks:
Ito does not disclose the aforementioned limitations missing from Gallagher. Fig.
1 of Ito discloses an electronic money sending system comprising a
communications network 14 connecting multiple information processing units 1
and 2 to a money server 3. As shown in Fig. 5, Ito discloses a remittance standby
request 501 including a random number security key 505 sent by a remitter from
any one of the information processing units to the money server 3. (Col. 4, lines
43-56) As shown in Fig. 8, Ito also discloses a different remittance standby
request 801 including a different random number security key 804 sent by a
receptor from any other information processing unit to the money server 3. (Col.
5, lines 25-39) The money server 3 uses each of these security keys and other
accompanying information to validate and process an electronic money transfer.
Ito, however, does not disclose the remitter providing a security key, or any other
information, directly to the receptor prior to the transfer of funds.

The Examiner above argues that receiptor knows the security key.

In view of the foregoing, Gallagher in combination with Ito does not result in or
make obvious the present invention, as recited in independent claims 1, 14 and
25. It is therefore requested that the rejection of claims 1, 14 and 25, and the
claims dependent thereon, be withdrawn.

The Examiner respectfully does not agree based on the above comments.

Applicant argues dependent claims:

Claims 11, 18, 19, 21-23, 29 and 30 were rejected under 35 U.S.C. 103(a) as
being unpatentable over Gallagher in view of Ito in further view of Ranjan, et al.
(US Pub. 2002/0029193) ("Ranjan").

Ranjan discloses a method and system for facilitating the transfer of funds
utilizing a telephone identifier wherein a payor associated with a first telephone-
based account funds an account and subsequently designates a specific amount
of value to transfer to a second telephone- based account associated with a
payee. (Paragraph 0038, lines 1-6) Ranjan, however, also does not disclose the
payor providing any information directly to the payee prior to the transfer of
funds.

**In response to applicant's arguments against the references individually, one
cannot show nonobviousness by attacking references individually where the
rejections are based on combinations of references. See *In re Keller*, 642
F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231
USPQ 375 (Fed. Cir. 1986).**

**Ranjan was used to teach verbal communication with a phone where the phone
number is automatically provided.**

In view of the foregoing, Gallagher in combination within Ito and Ranjan does not
result in or make obvious the present invention, as recited in claims 1, 14 and 25.
It is therefore requested that the rejection of claims 11, 18, 19, 21-23, 29 and 30
be withdrawn.

The Examiner respectfully maintains the rejections.

Applicant argues new claims:
New claim 31 depends from claim 1 and recites "said beneficiary using said
unique fund- pick-up code to acquire a financial instrument representing said
transferred sum of money." Support for this feature can be found at least on page
6, lines 4-24 of the Specification. The allowance of new claim 31 is solicited.

New claims 32 and 33 depend from claims 1 and 25, respectively, and pertain to
entering into the data input document a currency type used by the customer and
a currency type used by the beneficiary. Support for this feature can be found at
least on page 18, Table 2 of the Specification. The allowance of new claims 32
and 33 is solicited.

The Examiner provides prior art rejection below for the new claims.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

5.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

Claims 1-7, 9-10, 12-17, 24-28, and 31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent No. 7,120,608 to Gallagher, et al., in view of U.S. Patent

No. 6,039,250 to Ito and Hiroya.

Regarding applicant claim 1, 3, 14, 24 and 25,

        a.   A method of transferring a sum of money from a customer to a beneficiary

via a money-transfer service and an electronic communications network...

        Gallagher, et al., discloses:

"Systems and Methods for Implementing Person-to-Person Money

Exchange" (Title) and "...systems and methods for effecting online

financial transactions between individuals or between individuals

and entities such as banks, merchants and other companies." (col. 1,

lines 52-55);

b.   said customer accessing said money-transfer service via said electronic

communications network...

   "...user accesses a fund exchange server to establish an online

   account, which is used to transfer funds..." (col. 1, lines 57-60).

   Access can be via desktop computer, which can be an internet

   access device (col. 4, lines 46-52).

c.   transmitting a data-input document from said money-transfer service to

said customer via said electronic communications network...

   The fund exchange server (money-transfer service) provides the

   user (customer) one or more web pages for establishing accounts

   and initiating transactions (col. 5, lines 45-50).

d.   said customer entering transaction data into said data-input document to

record the amount of said sum of money to be transferred, an identification of

said customer, an identification of said beneficiary, and basic payment data for

said money-transfer service to use in collecting said sum of money...

   The payor (customer) "...is prompted to enter an amount of funds for

   transfer and identification information for the recipient..." (where the

recipient is the beneficiary) (col. 7, lines 33-40). Information can also

include the sender's (identify the customer) name (col. 7, lines 60-

65). Basic payment data, such as credit card information, is also

provided when the account is established (col. 5, lines 64-67 and col.

6, lines 1-3).

e.   said money-transfer service collecting said sum of money in accordance

with said basic payment data...

Funds are transferred to an online account from a funding account

based on basic payment data (col. 5, lines 64-67 and col. 6, lines 1-3).

f.   providing said customer with a unique fund-pick-up code...

User (customer) can create an "identity confirmation query," which

could be a unique code that the beneficiary must respond to (col. 7,

lines 36-40).

g.   and informing said beneficiary of said unique fund-pick-up code...

The beneficiary needs to respond correctly to receive the funds,

therefore, the beneficiary would have to be notified in some manner

of the code.

Gallagher, et al., discloses additional system information including:

i.   a fund exchange system that includes an electronic

communication network (col. 4, lines 32-36).

ii.   fund exchange server connected to the communication

network (Fig. 1).

iii.   pages and forms provided by a fund exchange server for

transmitting (from customer) and receiving (to beneficiary)

transaction documents (Figs. 3 and 5).

iv.   a database for storing information and data (col. 5, lines 64-

66).

v.   client (customer and beneficiary) devices connected to a

communication network (col. 4, lines 32-36); access provided by

computers and cell phones (col. 4, lines 48-52).

Although Gallagher, et al., provides for a confirmation query that can be used by

a customer to transmit a unique pick-up code, he does not disclose the fund

exchange server providing a pick-up code.

Ito and Hiroya, in the same field of endeavor, teach payment processes wherein

they provide for a random number sequence as a security key (fund exchange

server providing a pick-up code) (col. 4, lines 54-56). Therefore, it would have

been obvious to one of ordinary skill in the art at the time of invention to have the

fund exchange server of Gallagher, et al., provide an automated fund-pick-up

code as disclosed by Ito and Hiroya, motivated by the fact that Ito and Hiroya

**provide for an "electronic money server" that includes a random number
sequence as a security key and the fund exchange server could generate a
random number and provide it to the customer as a pick-up code, thus
eliminating the need for the customer to create the code (and saving time).**

Regarding claims 2 and 26: The method of claim I wherein said electronic
communications network includes the Internet, and the step of accessing said money-
transfer service includes transmitting an access request from said customer to said
money-transfer service via said Internet.

> **Gallagher provides that a fund exchange server is connected to a
> communication network that can include the internet (col. 4, lines 36-39).**

Regarding claims 4 and 15: The method of claim 3 further including said customer
having an IP (Internet Protocol) address and said money-transfer service recording said
IP address in response to said customer accessing said money-transfer service.

> **Gallagher, et al., provides communication using the Internet by the payor
> (customer) with the fund exchange server which would require the fund
> server recording in some manner the payor's IP address (Microsoft
> Computer Dictionary, Microsoft Press, 5th Ed., 2002 pg. 287).**

Regarding applicant claims 5 and 16: The method of claim 4 further including said

money-transfer service creating a transaction record including said IP address, said

transaction data and said unique fund-pick-up code.

Gallagher, et al., discloses that the user provides an e-mail address,

mailing address, and/or "other information" as may be necessary,

including transaction data, such as "amount to sent" (col. 5, lines 58-61

and Fig. 3). While an IP address is not specifically mentioned, it could be

part of "other information" used to identify the customer.

Regarding claims 6 and 17: The method of claim 5 further including said money-

transfer service transmitting a transaction confirmation request to said customer via said

Internet.

Gallagher, et al., provides that payor (customer) "...is notified, preferably

by an electronic message, that the payee has responded to the identity

confirmation query." (col. 8, lines 23-26).

Regarding claim 7: The method of claim 6 wherein said electronic communications

network includes the PSTN (Public Switched Telephone Network), and further including

said customer contacting said money-transfer service via said PSTN to obtain said

unique fund-pick-up code.

Gallagher et al., discloses user (customer) can use a cell phone (col. 4,

lines 48-52) as well as a computer. It is well known in the art that cell

phones and computers can use the PSTN.

Regarding claims 9, 10, 12, and 13:

(9) The method of claim 8 wherein the step of said customer contacting said money-

transfer service via said PSTN includes said customer informing said money-transfer

service of additional payment data.

(10) The method of claim 9 wherein said basic payment data includes an identification

of a customer account at a payment institution, and the step of informing said money-

transfer service of additional payment data includes revealing a unique payment code

associated with said customer account.

 (12) The method of claim 8 wherein the step of said customer entering data includes

entering additional payment data.

(13) The method of claim 12 wherein said basic payment data includes an identification

of a customer account at a payment institution, and the step of entering

additional payment data includes entering a unique payment code associated with said

customer.

Gallagher et al., allows that user can request additional money transferred

to online account, by providing information such as account number,

password, PIN number, etc. (col. 6, lines 26-32).

Regarding claim 27: The system of claim 26 wherein said Internet-access apparatus

includes a web browser and a display, said money-transfer service includes a web-

based server, and said document means includes means for transmitting said

transaction documents as HTML (Hypertext Markup Language) documents capable of

being rendered on said display via said web browser.

Gallagher et al., disclose that client devices include browsing programs

(col. 4, lines 52-58) used on a monitor with a GUI interface (col. 4, lines 58-

65). Also, "...content is typically presented to the user as a web page

formatted according to downloaded JavaScript code and HTML code..."

(col. 5, lines 31-34).

Regarding claim 28: The system of claim 27 wherein said electronic communications

network includes the PSTN (Public Switched Telephone Network) and each of said

customer communication systems includes a DTMF (Dual-Tone, Multiple Frequency)

access device connected to said PSTN...

Cell phones can contain DTMF (defined by phonescoop.com/glossary).

Regarding claim 31:
The method of claim 1, comprising said beneficiary using said unique fund- pick-up
code to acquire a financial instrument representing said transferred sum of money.

<u>Gallagher et al. discloses:</u>
"An <u>ATM check card</u> (e.g., including a Visa logo) may also be used for
transfer of funds to and from a checking account. ACH transfers may also
be used to transfer funds to and from the affiliate financial institution as are
well known."

The combined references teach a person-to-person money exchange, where monies are transferred between parties. They also teach an ATM check card that represents an account. They do not teach a financial instrument representing money.

Ito et al. in the business of money transfers teaches:
"Transferring electric money is carried out in the electronic money system, in which an electronic money information is stored in an exclusive IC card and the electronic money information is sent and received between two IC cards through exclusive equipment and terminals." (col. 1, lines 13-17)

"The Ic card is well known, and the detailed description will be omitted; however, important is that the electronic money, being an electronic data having the same value as cash, is to be made so as to be immune from counterfeit. Therefore, an electronic money information is not stored in the storage unit 15 or other memories, but always stored in the IC card." (col. 3, lines 33-39)

It would have been obvious to one of ordinary skill in the art at the time of invention to include in the money transfer of the combined references the use of IC cards as a financial instrument representing transferred money since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

6.   Claims 11, 18, 19, 21-23, 29, and 30 are rejected under 35 U.S.C. 103(a) as

being unpatentable over the references as combined in section (5) above, in further

view of Pub. No. US 2002/0029193 to Ranjan and Shah.

Regarding claims 11,18,19, 21-23, 29, and 30:

Although Gallagher, et al., discloses a cell phone, he does not disclose

verbal communication or a method where the phone number is

automatically provided (AIN).

Ranjan and Shah, in the same field of endeavor, teach a payment process

using telephones that include a caller ID (AIN to match with customer

phone number) and voice capability (para. 39 and 45). Therefore, it would

have been obvious to one of ordinary skill in the art at the time of invention

to include an AIN and voice capability as disclosed by Gallagher and Ito, et

al., as combined above, motivated by Ranjan and Shah who use such a

caller ID and voice capability to enhance security and that these features

will augment the security disclosed in the combined reference in section

11, where enhanced security is important given that money transfer is

involved.

7.   Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable

over the references as combined in section (5) above, in further view of Patent No. US

5,659,165 to Jennings et al.

<u>Regarding claim 32:</u>
The method of claim 1, comprising said customer entering into said data input
document a currency type used by said customer and a currency type used by said
beneficiary.
>   **The combined references teach a person-to-person money exchange,**
>   **where monies are transferred between parties. They do not teach inputting**
>   **a customer and beneficiary currency type.**
>
>   <u>**Jennings et al. in the business of money transfers teaches:**</u>
>   >   **"For example, if the <u>customer wishes to transfer an amount from an</u>**
>   >   **<u>English account (based on pounds) to a French account based on</u>**
>   >   **<u>French francs)</u>, the customer can indicate the customer's preference**
>   >   **for the currency in which they will specify the amount to be sent. For**
>   >   **example, a screen such as the one shown below may be displayed to**
>   >   **the customer<u> where the data elements curr.sub.-- desc1 and</u>**

**curr.sub.-- desc2 correspond to textual descriptions of the
respective currencies used in the source and destination countries:"
(col. 12, lines 57-67)**

**It would have been obvious to one of ordinary skill in the art at the time of
invention to include in the money transfer of the combined references the
ability to input a source and destination currency for different currencies
since the claimed invention is merely a combination of old elements, and in
the combination each element merely would have performed the same
function as it did separately, and one of ordinary skill in the art would have
recognized that the results of the combination were predictable.**

Regarding claim 33:
The system of claim 25, wherein said transaction data further includes a currency type
used by said customer and a currency type used by said beneficiary.
    **The combined references teach a person-to-person money exchange,
    where monies are transferred between parties. They do not teach inputting
    a customer and beneficiary currency type.**

    Jennings et al. in the business of money transfers teaches:
        **"For example, if the customer wishes to transfer an amount from an
        English account (based on pounds) to a French account based on
        French francs), the customer can indicate the customer's preference
        for the currency in which they will specify the amount to be sent. For
        example, a screen such as the one shown below may be displayed to
        the customer where the data elements curr.sub.-- desc1 and
        curr.sub.-- desc2 correspond to textual descriptions of the
        respective currencies used in the source and destination countries:"
        (col. 12, lines 57-67)**

    **It would have been obvious to one of ordinary skill in the art at the time of
    invention to include in the money transfer of the combined references the
    ability to input a source and destination currency for different currencies
    since the claimed invention is merely a combination of old elements, and in
    the combination each element merely would have performed the same
    function as it did separately, and one of ordinary skill in the art would have
    recognized that the results of the combination were predictable.**

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

US 20010025265 A1	**US-PGPUB**	**Takayasu**
US 5448043 A	**USPAT**	**Nakano et al.**
US 6012048 A	**USPAT**	**Gustin et al.**
US 6206283 B1	**USPAT**	**Bansal et al.**
US 6439456 B1	**USPAT**	**Bansal et al.**
US 6502747 B1	**USPAT**	**Stoutenburg et al.**
US 6554184 B1	**USPAT**	**Amos**
US 6609113 B1	**USPAT**	**O'Leary et al.**
US 6736314 B2	**USPAT**	**Cooper et al.**
US 7269575 B1	**USPAT**	**Concannon et al.**

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KENNETH L. BARTLEY whose telephone number is

(571)272-5230. The examiner can normally be reached on Monday through Friday,

8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jagdish Patel can be reached on (571) 272-6748. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAGDISH N PATEL/
Primary Examiner, Art Unit 3693